

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

UNITED STATES OF AMERICA)	CR. NO. <u>1:06-124</u>
)	18 USC § 2422(b)
)	
v.)	
)	
)	
KENNETH RAY MARLER)	INDICTMENT

COUNT 1

THE GRAND JURY CHARGES:

1. At all times relevant to this Indictment:

a. the South Carolina Code of Laws, Section 16-3-655(3) defined “criminal sexual conduct in the second degree” as, among other things, “. . . sexual battery with a victim who is fourteen years of age or less but who is at least eleven years of age;”

b. the South Carolina Code of Laws, Section 16-3-651 defined “sexual battery” as sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of a person’s body or of any object into the genital or anal openings of another person’s body, except when such intrusion is accomplished for medically recognized treatment or diagnostic purposes;”

2. From on or about April 15, 2003, to on or about April 28, 2003, in the District of South Carolina, KENNETH RAY MARLER, using a facility and means of interstate and foreign commerce, that is the internet, knowingly did attempt to persuade, induce, entice,

and coerce an individual who had not attained the age of 18 years to engage in sexual activity for which he could be charged with a criminal offense, in that he did engage in a course of e-mail and internet chat communication with a person he believed to be a 13 year old female, but who in fact was a law enforcement officer acting in an undercover capacity, during which he discussed plans to meet the person he believed to be a 13 year old female for a sexual encounter, and in that on or about April 28, 2003, he did travel from Allendale, South Carolina, to Beaufort, South Carolina, for the purpose of meeting the purported 13 year old female for a sexual encounter;

In violation of Title 18, United States Code, Section 2422(b).

A TRUE BILL

s/Foreperson
FOREPERSON

s/Jonathan S. Gasser
JONATHAN S. GASSER (DAE)
UNITED STATES ATTORNEY

MAXIMUM PENALTIES:

**MAXIMUM SENTENCE THIS COUNT
FINE OF \$250,000 (18 U.S.C. § 3571) AND/OR
IMPRISONMENT FOR 15 YEARS AND A
TERM OF SUPERVISED RELEASE
OF 3 YEARS (18 U.S.C. § 3583)
SPECIAL ASSESSMENT \$100.00 (18 U.S.C. § 3013)**